

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CIVIL ACTION NO.: 7:22-CV-00036

TAMARA SUREY (f/k/a MILLER),

Plaintiff,

v.

LIFERESTORE MD USA LLC NC1 LLC;
LIFERESTORE MD USA LLC; DAVID
AKINA; and ALLEN MEGLIN,

Defendants.

**MOTION FOR LEAVE TO
WITHDRAW**

J. Allen Thomas and Haseeb S. Fatmi, of the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., (“Ogletree”), file this Motion for Leave to Withdraw as counsel for Defendants LifeRestore MD USA LLC NC1 LLC and LifeRestore MD USA LLC (collectively “LifeRestore”), and David Akina (“Mr. Akina”), pursuant to Local Civil Rule 5.2(e), for the following reasons:

1. Mr. Akina has served as the primary and only contact for LifeRestore throughout Ogletree’s representation of LifeRestore and Mr. Akina.
2. This case commenced on March 7, 2022 upon the filing of a Complaint by Plaintiff Tamara Surey.
3. LifeRestore and Mr. Akina filed their Answer on April 28, 2022.
4. Upon filing the proposed joint initial case management order on January 13, 2023, the parties agreed to stay of discovery to allow the parties to discuss a possible resolution of the matter.
5. On May 30, 2023, Plaintiff served a notice of deposition for Mr. Akina to take Mr. Akina’s deposition on June 27, 2023.

6. There has been a breakdown in communication between Ogletree and Mr. Akina, and Mr. Akina has stopped responding to communications from Ogletree.

7. Between February 2023 and April 2023, Ogletree has emailed Mr. Akina at least eight times and called Mr. Akina at least six times. During that time, Mr. Akina responded twice. Ogletree has not heard from Mr. Akina since April 5, 2023.

8. Ogletree emailed Mr. Akina on May 9, 2023. Mr. Akina did not respond.

9. Subsequently, on May 25, 2023, Ogletree emailed Mr. Akina a letter notifying him that Ogletree would file a Motion to Withdraw as Counsel unless Ogletree received a response by May 31, 2023. Mr. Akina has not responded to this email.

10. Ogletree emailed Mr. Akina a copy of this Motion on June 12, 2023 and notified him that Ogletree would file the same on June 13, 2023 if he fails to respond. Mr. Akina has not responded to this email.

11. The last known mailing and/or physical address for LifeRestore is 3910 Gaston Ave Suite 140, Dallas, Texas 75246.

12. The last known mailing and/or physical address for Mr. Akina is 1427 Military Cutoff Road, #104, Wilmington, North Carolina 28403.

13. Defendants have been informed of the Motion for Leave to Withdraw and sent a copy via email, but they have not consented, as Mr. Akina has been unresponsive to attempts to contact him.

WHEREFORE, J. Allen Thomas and Haseeb S. Fatmi request that the Court enter an Order permitting them to withdraw as counsel of record for Defendants in this matter.

Respectfully submitted this 13th day of June, 2023.

OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.

By: s/J. Allen Thomas

J. Allen Thomas, N.C. Bar No. 40119

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*Attorneys for Defendants LIFERESTORE MD USA LLC
NCI LLC; LIFERESTORE MD USA LLC; and David
Akina*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a copy of the foregoing MOTION FOR LEAVE TO WITHDRAW was electronically filed with the Clerk of the Court using the CM/ECF system which will send a copy of the same to:

GESSNERLAW, PLLC
L. Michelle Gessner
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Attorneys for Plaintiff

CROSSLEY McINTOSH COLLIER HANLEY & EDES, PLLC
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Attorneys for Defendant Dr. Allen Meglin

Additionally, a copy of the foregoing MOTION FOR LEAVE TO WITHDRAW shall be served upon the following recipients by sending a certified copy of the same, with tracking, through the United States Mail, addressed as follows:

Liferestore MD USA LLC
3910 Gaston Ave Suite 140
Dallas, Texas 75246

Liferestore MD USA LLC NC1 LLC
3910 Gaston Ave Suite 140
Dallas, Texas 75246

David Akina
1427 Military Cutoff Road, #104
Wilmington, North Carolina 28403

This 13th day of June, 2023.

OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.

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